

REMARKS

Claims 1-22, 24-28, 30-38, 40 and 44 are pending in the present case. Claims 39 and 41-43 have been previously cancelled. Claim 1, 16, 22, and 30 have been amended.

Claims 1-22, 24-28, 30-38, 40 and 44 are rejected. Claims 30-36 are rejected under 35 U.S.C. § 112, first paragraph. Claims 1-21 and 37-41 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-22, 24-28, and 30-44 are provisionally rejected on the ground nonstatutory obviousness-type double patenting over claims 1-36 of co-pending application serial no. 10/726,423. Claims 1, 2, 4-6, 8-10, 13, 14, 16, 17, 19-22, 24, 26-28, 38, 40, and 44 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0199765 to Kohane et al. (hereinafter "Kohane" in view of U.S. Patent No. 6,363,486 to Knapton, III (hereinafter "Knapton"). Claims 30-33, 37, 39, and 41-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohane in view of Knapton and further in view of U.S. Patent Application Publication No. 2003/0074564 to Peterson (hereinafter "Peterson"). Claims 3, 7, 18, and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohane in view of Knapton and further in view of U.S. Patent No. 6,789,195 to Prihoda (hereinafter "Prihoda"). Claims 11, 12, and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohane in view of Knapton and further in view of U.S. Patent Application Publication No. 2004/0068650 to Resnitzky (hereinafter "Resnitzky"). Claim 34 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohane in view of Knapton and further in view of Peterson and Prihoda. Claims 35 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kohane in view of Knapton and further in view of Peterson and Resnitzky.

The undersigned representative wishes to thank the Examiner for the interview conducted on June 24, 2010. At the interview, the Examiner provided some guidance on claim amendments to distinguish the cited art. Those recommendations have been incorporated herein.

Rejection of Claims 30-36 under 35 U.S.C. §112, 1st paragraph

On page 2 of the Advisory Action, the Examiner maintains the rejection of claims 30-36 because claim 30 contains the language "wherein input of the second-level access key by said medical service provider is not required." Accordingly, this language has been deleted from

claim 30. Accordingly, the rejection has been rendered moot and it is respectfully requested that the rejection be withdrawn.

Provisional Rejection of Claims 1-22, 24-28, and 30-44 for Non-Statutory Double Patenting

The Examiner maintains the provisional rejection under non-statutory double patenting. Although the undersigned representative continues to rebut this provisional rejection for the reasons previously set forth, upon an indication of allowable subject matter, the undersigned representative will consider the filing of a terminal disclaimer and/or continue to rebut the provisional rejection. The undersigned representative notes, however, that claims 39 and 41-43 have been canceled, thereby rendering the rejection to those claims moot.

Rejection of Claims 1, 2, 4-6, 8-10, 13, 14, 16, 17, 19-22, 24, 26-28, 38, 40, and 44 under 35 U.S.C. §103(a)

As discussed in the Examiner interview, claims 1, 16, 22, and 30 have been amended. Exemplary support for these amendments can be found in the originally filed specification in at least paragraphs [0021], [0022], [0025], [0027], and [0029]. As previously recognized by the Examiner, Kohane does not teach generating a second-level key by modifying the first-level key. Knapton fails to cure the deficiencies of Kohane. The Examiner asserts that Knapton teaches that passwords can be generated from any information. This characterization of Knapton is overbroad and does not accurately represent the teachings of Knapton. Knapton does not teach that a first-level key having a first level of access can be modified to generate a second-level key having a second level of access. Instead, Knapton is merely creating a password from keys of the ID of an application program and a software component, and then creating another password from the ID of the application program and the software component. If the passwords match, then application program access is granted to the software component. Thus, neither Knapton nor Kohane teaches each and every element as recited in amended claims 1, 16, 22, and 30.

Therefore, Kohane and Knapton do not teach each and every element as recited in claims 1, 16, 22, and 30. Because independent claims 1, 16, 22, and 30 are believed to be allowable, claims 2, 4-6, 8-10, 13, 14, 17, 19-21, 24, 26-28, 38, 40, and 44 are also believed to be allowable for at least the reason that they depend on claims 1, 16, 22, and 30. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 30-33, 37, 39, and 41-43 under 35 U.S.C. §103(a)

Claim 30 is believed to be allowable for at least the reasons set forth above with respect to the rejection of claims 1, 16, and 22. Peterson fails to cure the deficiencies of Kohane and Knapton. Because independent claims 1 and 30 are believed to be allowable, claims 31-33, 37, 39, and 41-43 are also believed to be allowable for at least the reason that they depend on claims 1 and 30. The undersigned representative notes, however, that claims 39 and 41-43 have been canceled, thereby rendering the rejection to those claims moot. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 3, 7, 18, and 25 under 35 U.S.C. §103(a)

Because independent claims 1, 16, and 22 are believed to be allowable, claims 3, 7, 18, and 25 are also believed to be allowable for at least the reason that they depend on claims 1, 16, and 22. Prihoda fails to cure the deficiencies of Kohane and Knapton. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 11, 12 and 15 under 35 U.S.C. §103(a)

Because independent claim 1 is believed to be allowable, claims 11, 12, and 15 are also believed to be allowable for at least the reason that they depend on claim 1. Resnitzky fails to cure the deficiencies of Kohane and Knapton. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claim 34 under 35 U.S.C. §103(a)

Because independent claim 1 is believed to be allowable, claims 11, 12, and 15 are also believed to be allowable for at least the reason that they depend on claim 1. Peterson and Prihoda fail to cure the deficiencies of Kohane and Knapton. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claim 35 and 36 under 35 U.S.C. §103(a)

Because independent claim 30 is believed to be allowable, claims 35 and 36 are also believed to be allowable for at least the reason that they depend on claim 30. Peterson and

Resnitzky fail to cure the deficiencies of Kohane and Knapton. Therefore, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 50-4402.

Respectfully submitted,

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